

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO IDAHO )  
APPELLATE RULE (I.A.R.) 28 and 34.1 )  
\_\_\_\_\_ )

ORDER

The Court having reviewed a recommendation from the Appellate Standards Committee to amend the Idaho Appellate Rules, and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Idaho Appellate Rules as they appear in the volume published by the Idaho Code Commission be, and they are hereby, amended as follows:

1. That Rule 28 be, and the same is hereby, amended as follows:

**Idaho Appellate Rule 28. Preparation of Clerk's or Agency's Record - Content and Arrangement.**

(a) Designation of Record. Parties are responsible for designating the documents which will comprise the clerk's record on appeal. The standard record described in subsection (b) is not designed to include many items i.e., motions for summary judgment, affidavits, jury instructions, etc.) which may be pertinent to the appeal in a specific case. Parties are encouraged to designate a clerk's or agency's record more limited than the standard record.

(b) Content - Standard Record. The clerk's or agency's record shall automatically include the following pleadings and documents, including the following pleadings and documents filed in the magistrates division:

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(3) In administrative proceedings:

- A. Any order sealing all or any portion of the record.
- B. Any original or amended complaint, petition, application or other initial pleading.
- C. Any answer or response thereto.
- D. All documents relating to an application or petition to intervene.
- E. Any protest or other oppositions filed by a party.
- F. Certificate listing A list of all exhibits offered, whether or not admitted.
- G. The findings of fact and conclusions of law made by a referee or a hearing officer.

- ~~G.H.~~ The findings of fact and conclusions of law, or if none, any memorandum decision entered by the agency.
- ~~H.I.~~ The final decision, order or award.
- ~~I.J.~~ Petitions for rehearing or reconsideration or orders thereon.
- ~~J.K.~~ Notice of appeal and any notice of cross-appeal.
- ~~K.L.~~ Any request for additional reporter's transcript or agency's record.
- ~~L.M.~~ Table of contents and index.

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2. That Rule 34.1 be, and the same is hereby, amended as follows:

**Idaho Appellate Rule 34.1 Electronic Briefs (optional).**

(a) Additional electronic copy. In addition to the current requirement for paper copies of briefs, it is requested, but not required, that an additional copy of the brief be filed electronically. Electronic filings will be subject to the same due dates as hard copy briefing. If an electronic copy is filed, it must be submitted in the following form and format:

1. Each e filing shall be submitted either by email attachment or on a separate CD, with an electronic copy served on each party to the appeal.
2. Each email attachment or CD must include a label that identifies the case name, the docket number, type of brief (i.e. appellant's brief, respondent's brief).
3. Files shall be submitted as a searchable PDF file because this format generally may not be altered.
4. The email attachment or CD must contain only an electronic copy of the submitted hard copy brief. The email attachment or CD must not contain any document or material that is not included in the original hard copy of the brief filed with the Court.
5. The email attachment or CD must be free of viruses or any other files that would be disruptive to the Court's computer system.
6. If submitting an e filing as an email attachment at the time the brief is filed, please advise the Clerk's office in your transmittal letter accompanying hard copies; please send efilings to [sctbriefs@idcourts.net](mailto:sctbriefs@idcourts.net).
7. If an electronic brief is filed, a Certificate of Compliance must also be submitted as a separate document and should read as follows:

CERTIFICATE OF COMPLIANCE

The undersigned does hereby certify that the electronic brief submitted is in compliance with all of the requirements set out in I.A.R. 34.1, and that an electronic copy was served on each party at the following email address(es):

\_\_\_\_\_.

Dated and certified this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

(b) Electronic briefs in criminal cases. In criminal cases the parties may file an electronic brief without the necessity of filing any paper copies of the brief. The filing must comply in all other respects with the requirements set forth in subsection (a) of this rule.

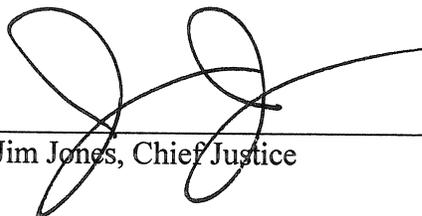
IT IS FURTHER ORDERED, that this order and these amendments shall be effective the 1st day of January, 2016.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Appellate Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 29<sup>th</sup> day of December, 2015.

By Order of the Supreme Court

  
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Jim Jones, Chief Justice

ATTEST: Stephen Kenyon  
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.

WITNESS my hand and the Seal of this Court 12.29.15

Stephen Kenyon Clerk  
By: Jim D. Thomas Deputy